

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JAMMIAN CREWS,

Plaintiff,

v.

ORDER
02-CV-202A

VICTOR HERBERT, et al.,

Defendants.

The above-referenced case was referred to Magistrate Judge Victor E. Bianchini, pursuant to 28 U.S.C. § 636(b)(1)(B). On October 24, 2008, Magistrate Judge Bianchini filed a Report and Recommendation, recommending that the petition for a writ of habeas corpus be denied and that no Certificate of Appealability should issue with respect to any of plaintiff's claims.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Bianchini's Report and Recommendation, the petition for a writ of habeas corpus is denied and no Certificate of Appealability should issue with respect to any of plaintiff's claims.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara
HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: November 17, 2008